IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

ORDER
IN
S.B. Civil Second Appeal No.459/2004

Anil Kumar S/o late Shri Basanti Lal
...defendantno.2/2-appellant
Versus
Tara Chand S/o late Shri Gyan Chand & Another
...plaintiff-respondents
AND
Mukesh & Others
...defendant-respondents

Date of Order ::: 13.11.2006

Present
Hon'ble Mr. Justice Narendra Kumar Jain

Shri R.K. Agrawal, Counsel for appellant
Shri Dinesh Kala, Counsel for respondents no.1 and 2
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By the Court:-

Heard learned counsel for the parties.

The plaintiff-respondents filed a suit for eviction, which was decreed by the lower court on the grounds of personal bona-fide necessity and default in making the payment of rent. The plea of the defendant was that he himself is the owner of the rented premises. The lower court also framed issue no.8 about adverse possession of the defendant. The lower court recorded the finding that relationship of landlord and tenant exists in between the plaintiff and the defendant. The issue no.8 was also decided against the defendant. The judgment and decree passed by the lower court has been affirmed by the first appellate court

also.

I have considered the submissions of learned counsel for both the parties in the light of the findings of both the courts below and after considering their submissions as well as the findings of both the courts below I find that the controversial issues involved in the present case are relating to question of fact and there is concurrent finding of fact by both the courts below, which cannot be interfered with by this court in second appeal under Section 100 of the C.P.C.

No substantial question of law is involved in this second appeal and the same is dismissed at admission stage itself with no order as to costs.

(Narendra Kumar Jain) J.

//Jaiman//